

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 92-CR-80236-DT

FELIX WALLS,

Defendant.

**ORDER DENYING PENDING “PETITIONS” AND
DIRECTING THE CLERK OF THE COURT TO FILE MARCH 20, 2006 LETTER**

Pending before the court are several petitions filed by or on behalf of Defendant Felix Walls. First, on March 9, 2006, a “Petition for Writ(s) of Mandamus” was filed by “Minister Lester Harbin.” Mr. Harbin is not a counsel of record in this case; indeed, to this court’s knowledge, Mr. Harbin is not an attorney at all. Mr. Harbin has no standing to bring a petition in this case, and his March 9, 2006 motion will therefore be denied.¹

Mr. Harbin’s motion was adopted by Defendant Walls in his “Petition to Consolidate and Join Petition for Mandamus,” filed *pro se* by Defendant on March 28, 2006. In his March 28 filing, Defendant adopts the arguments found in Mr. Harbin’s petition and asserts that he is entitled to “a copy of the documented law enacted by Congress that vested this court with the power/jurisdiction to convict[,] sentence and imprison Felix Walls.” (3/28/06 Mot. at 2.) Similarly, in Defendant’s *pro se* “Petition/Motion to Compel,” filed on March 31, 2006, Defendant asks this court to order

¹The court notes that the substance of the motion is without merit, and would be denied even if Mr. Harbin had standing to bring the motion.

either the Government or his court-appointed attorney to produce "a copy of his I. Drive [sic] and a copy of the law duly enacted by Congress that the AUSA . . . and the court use to charge, obtain an indictment and impanel a Sixth Amendment Jury . . ." (3/31/06 Motion at 1, 2.) The court has denied similar earlier requests by Defendant (see, eg., 1/26/06 & 2/23/06 Orders), and he has presented no basis to re-examine these issues. The court, of course, encourages Defendant's attorney to provide such information and advice as the Defendant may need in preparation for sentencing. Nonetheless, Defendant has not presented any valid reason that the court should revisit a request which has been repeatedly denied by this court. Accordingly, Defendant's petitions will be denied.

Finally, on March 20, 2006, the court received a letter from Defendant Walls relating to his court-appointed counsel. It does not appear that a copy of this letter was either filed with the clerk's office or served on the Government and, as such, the letter constitutes an improper attempt to communicate with this court *ex parte*. The court will order that a copy of the letter be placed on the docket of this court, and electronically served on counsel of record for both parties. Further, there can be no question that Defendant knows the proper manner in which to file a motion seeking action by this court, inasmuch as Defendant has been a frequent filer of *pro se* motions in this litigation. The court will not encourage efforts to contact the court *ex parte*. To the extent the March 20, 2006 letter can be construed as a motion, the court will deny it without prejudice. If Defendant wishes to pursue any of the concerns addressed in the substance of the March 20 letter, he may file the appropriate motion.

For the reasons stated above, IT IS ORDERED that the clerk of the court is DIRECTED to place a copy of March 20, 2006 letter on the docket of this court and electronically serve the letter on counsel of record. IT IS FURTHER ORDERED that, to the extent the March 20 letter can be construed as a motion, it is DENIED WITHOUT PREJUDICE.

IT IS ALSO ORDERED that the "Petition for Writ(s) of Mandamus" [Dkt. # 581], "Petition to Consolidate and Join Petition for Mandamus" [Dkt. # 584] and "Petition/Motion to Compel" [Dkt. # 587] are DENIED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 5, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 5, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522